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Identity Of Confidential Complainants
Withheld From Complaint Target

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When the FCC proceeds against manufacturers or vendors for an equipment violation, often the impetus is a competitor complaining to the FCC. The target of one such proceeding, Rocky Mountain Radar, filed a request under the Freedom of Information Act (FOIA) for copies of the complaints, possibly in an effort to ascertain who had blown the whistle.

The FOIA statute requires disclosure of most agency records. But there are exemptions. One of those covers records compiled for law enforcement purposes, where disclosure would interfere with enforcement proceedings. The FCC cited this passage in denying Rocky Mountain Radar access to the complaints it sought.

The wording of the order, however, suggests the exemption may no longer apply after the investigation is complete. If the FCC ultimately has to disclose the complaints, it could find that a major source of information on violations quickly dries up. Complainants desiring anonymity may wish to keep this in mind before throwing a stone through the Commission's window with their complaint attached.